

Interview Summary	Application No.	Applicant(s)	
	09/940,545	WOLFINBARGER ET AL.	
	Examiner	Art Unit	
	David Comstock	3732	

All participants (applicant, applicant's representative, PTO personnel):

(1) David Comstock. (3) Lloyd Wolfinbarger, Jr..
 (2) Eduardo Robert. (4) Jack Matney.

Date of Interview: 28 October 2004.

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
 If Yes, brief description: Preserved bone implants.

Claim(s) discussed: 33 and 34.

Identification of prior art discussed: Livesey et al. (5,336,616); Boyce et al. (5,899,939).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



EDUARDO C. ROBERT
PRIMARY EXAMINER
ER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Inventor described the difference between the freeze-drying process, i.e., lyophilization, and cryopreservation. Inventor explained that lyophilization is a sublimation process wherein moisture is removed from bone at a frozen state and wherein viability of cells is not preserved. Cryopreservation is a process that attempts to preserve cellular viability. Inventor described the plasticizing effect of adding glycerol to bone prior to lyophilization. Attorney maintained that the references do not teach adding glycerol (or other similar strength-conserving agent) prior to lyophilization. Specifically, Attorney's position is that the processes of lyophilization and cryopreservation in Livesey et al. are not the same. With regard to Boyce et al., Attorney argued that Example 1 (referred to in the non-final rejection) does not include the strength-conserving agent, and that if it did, it would not be added to the bone prior to lyophilization.